

DECLARATION FOR PATENT APPLICATION

Docket # 8333

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled CLEAN PRODUCTION OF COKE.

(check one) ☒ is attached hereto
☐ was filed on _____ as Application Serial No. _____,
 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)			Priority Claimed	
			Yes	No
_____ (Number)	_____ (Country)	_____ (Day/Mo./Yr. Filed)		
_____ (Number)	_____ (Country)	_____ (Day/Mo./Yr. Filed)		
_____ (Number)	_____ (Country)	_____ (Day/Mo./Yr. Filed)		

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) listed below and, insofar as the subject matter of each claim of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(s) which occurred between the filing date of this prior application and the national or PCT international filing date of this application.

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Patented, Pending, Abandoned)
_____ (Application Serial No.)	_____ (Filing Date)	_____ (Patented, Pending, Abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all

business in the Patent and Trademark Office connected therewith.

Mr. Lynn G. Foster, Registration No. 21,189 and Mr. L. Grant Foster, Registration No. 33,236.

Address all phone calls to Lynn G. Foster or L. Grant Foster (801) 364-5633.

Address all correspondence to:

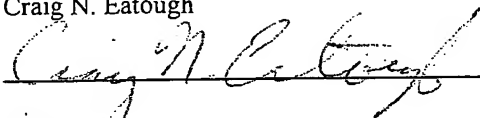
Lynn G. Foster
L. Grant Foster
FOSTER & FOSTER L.C.
602 East 300 South
Salt Lake City, Utah 84102

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole
or first inventor

Craig N. Eatough

Inventor's signature



Date 9-10-01

Residence:

Provo, Utah

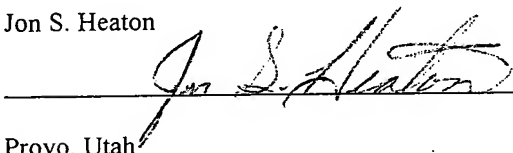
Citizenship: USA

Post Office Address: 1711 North 1350 West
Provo, UT 84604

Full name
of inventor

Jon S. Heaton

Inventor's signature



Date 9-10-01

Residence:

Provo, Utah

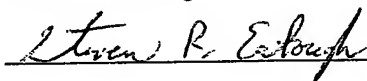
Citizenship: USA

Post Office Address: 1608 North 1450 West
Provo, UT 84604

Full name
of inventor

Steven R. Eatough

Inventor's signature



Date 9/13/01

Residence:

Provo, Utah

Citizenship: USA

Post Office Address: 2398 North 850 West
Provo, UT 84604

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket Number (Optional)
8333

Applicant or Patentee: CRAIG N. EATOUGH ET. AL.
Serial or Patent No.: _____
Filed or Issued: _____
Title: Clean Production of Coke

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Combustion Resources, L.L.C.
ADDRESS OF SMALL BUSINESS CONCERN: 1453 West 820 North
Provo, UT 84601

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern or organization is listed below.

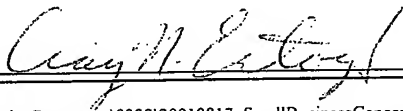
Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Craig N. Eatough
TITLE OF PERSON IF OTHER THAN OWNER: Manager
ADDRESS OF PERSON SIGNING: 1711 North 1350 West
Provo, UT 84604

SIGNATURE



DATE

9-10-01

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(b))--INDEPENDENT INVENTOR**

Docket Number (Optional)
8333

Applicant or Patentee: CRAIG N. EATOUGH ET. AL.

Serial or Patent No.: _____

Filed or Issued: _____

Title: CLEAN PRODUCTION OF COKE

As below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

I have not assigned, granted, conveyed or licenses and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.
☒ Each such person, concern or organization is listed below.

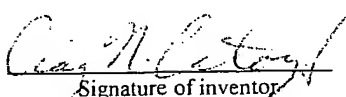
Combustion Resources, L.L.C.
1453 West 820 North
Provo, UT 84601

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

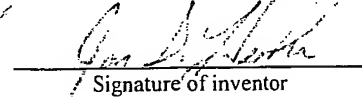
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Craig N. Eatough
NAME OF INVENTOR


Signature of inventor

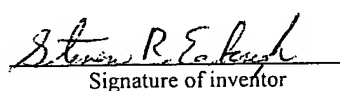
9-10-01
Date

Jon S. Heaton
NAME OF INVENTOR


Signature of inventor

9-10-01
Date

Steven R. Eatough
NAME OF INVENTOR


Signature of inventor

9/10/01
Date



DECEMBER 10, 2001

PTAS

Under Secretary of Commerce For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

FOSTER & FOSTER
MR. LYNN G. FOSTER
602 E. 300 S.
SALT LAKE, UT 84102



101868691A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/01/2001

REEL/FRAME: 012224/0115
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

EATOUGH, CRAIG N.

DOC DATE: 09/13/2001

ASSIGNOR:

HEATON, JON S.

DOC DATE: 09/13/2001

ASSIGNOR:

EATOUGH, STEVEN P.

DOC DATE: 09/13/2001

ASSIGNEE:

COMBUSTION RESOURCES, LLC
1453 WEST 820 NORTH
PROVO, UTAH 84601

SERIAL NUMBER: 09954603
PATENT NUMBER:

FILING DATE: 09/17/2001
ISSUE DATE:

012224/0115 PAGE 2

SHARON LATIMER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

ASSIGNMENT

I, Craig N. Eatough of 1711 North 1350 West, Provo, Utah 84604; Jon S. Heaton of 1608 North 1450 West, Provo, Utah 84604 and Steven R. Eatough of 2398 North 850 West, Provo, Utah 84604, have invented a CLEAN PRODUCTION OF COKE hereinafter called the "invention."

Preferred embodiments of said invention are disclosed in a United States Patent Application heretofore executed by me and now identified as File No. 8333 of Lynn G. Foster, Patent Attorney, (U.S. Patent Office Registration No. 21,189), and filed in the United States Patent Office as Serial No. 09/954,603 on September 17, 2001. (I hereby authorize Lynn G. Foster to insert said serial number and filing date when known.)

The Assignee, COMBUSTION RESOURCES, L.L.C., desires to secure the entire right, title, and interest in said invention.

In consideration of \$1.00 and other good and valuable consideration paid to me by the Assignee, the receipt and sufficiency of which I hereby acknowledge, I HEREBY ASSIGN TO THE ASSIGNEE:

The entire right, title, and interest in said invention and in the above-identified United States Patent Application and in all divisions, continuations, and continuations-in-part of said application, or reissues or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications filed in a receiving office of the Patent Cooperative Treaty (PCT) and in regions and countries foreign to the United States, and in all patents issuing thereon in the United States and foreign countries.

The right to file, prosecute, and exclusively own all PCT and foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention and the PCT for such applications and to file, prosecute, and exclusively own all regional applications relating to the invention.

I hereby authorize and request the United States Commissioner of Patents and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behoof of the said Assignee, its successors, assigns, and legal representatives.

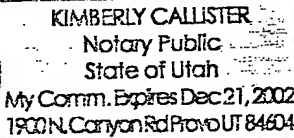
I hereby agree, without further consideration and without expense to me, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of me to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States, PCT, and foreign patent applications on said invention, and all lawful

STEVEN R. EATOUGH

COUNTY OF ~~SALT LAKE~~ Utah)

that he executed the same as his free act and deed and for the purposes set forth therein.



NOTARY PUBLIC

[SEAL]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	
Craig N. Eatough, et al.	Docket: 8333
Serial No.:09/954,603	Art Unit: 1764
Filed: September 17, 2001	Examiner: Alexa A. Doroshenk
For: CLEAN PRODUCTION OF COKE	

DECLARATION OF L. DOUGLAS SMOOT, PH.D.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, L. Douglas Smoot, declare as follows:

1. I am a resident of the State of Utah and a citizen of the United States of America.
2. I am over 21 years old and competent to testify on matters set forth in this Declaration. I am a minority owner (member) of the assignee of the above-identified patent application.
3. I have a Ph.D. degree from the University of Washington in Chemical Engineering.
4. I am skilled in the fuels field including the production of coke. My Curriculum Vitae is attached as Exhibit "A."
5. I have been provided a copy of the above-identified application as filed, a copy of two Office Actions respectively mailed December 26, 2002

and August 25, 2003, a copy of U.S. Patent 4,352,720, and a copy of two Amendments, one mailed April 17, 2003 and the other to be mailed contemporaneously with this Declaration.

6. I was asked to study and analyze the foregoing documents to determine if the above-identified application provides a written description of the invention as presently claimed. More specifically, I was asked if the present application discloses an apparatus and a process which comprises equipment and/or methodology by which the fines being displaced are washed or elutriated. I conclude, as one having skill in this art, that there is no disclosure of washing or elutriating of the fines being displaced using the equipment and methodology disclosed to produce coke. Thus, in my opinion, it is correct to say the limitations of “unwashed” and “non-elutriated” in the claims are properly supported by the present specification because the fines displacement are neither washed nor elutriated.

7. The above-identified patent application is directed to a lower cost way of using coal fines, including discarded coal fines, and coke fines, including discarded coke fines, to produce high grade coke.

8. The analysis of Weber (U.S. Pat. No. 4,352,720) found at pages 12-15 of the first Amendment is accurate. Weber discloses an expensive rather than a lower cost way of producing coke. Weber requires expensive equipment by which washed and wet coal from bin 2 is elutriated, by a stream of gas emanating at generator 10, up channel 5 and thence along three paths 20, 21, 23 as dried coal to bin 29.

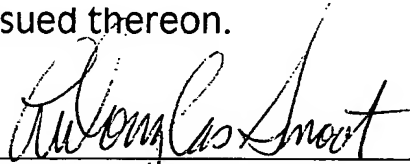
9. Weber's requirements of washed and wet coal and elutriation of fines are contrary to and contradict the concept disclosed and the limitations of the presently claimed subject matter of the above-identified patent application. Specifically, the present application does not disclose displacing washed and wet coal, nor is wet coal elutriated to dry the same prior to pyrolization. The technologies of Weber and the present patent application are very different.

10. Given that the present disclosure, which clearly avoids both washing to create wet coal fines and drying of wet coal by elutriation in the production of coke, it is appropriate to distinguish the claimed subject matter from Weber by use of the terms "unwashed" and "non-elutriated." The concept of "unwashed" and "non-elutriated" is unquestionably part of the initially disclosed subject matter of the above-identified patent application, is so understood by me, and would be so understood by anyone with skill in the art.

11. The drawings of the above-identified application also make it clear that the displacement of fines through the illustrated equipment does not result in washing of displaced fines or in drying of wet fines through elutriation.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with

the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



L. Douglas Smoot
Date: 9/17/03